IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6199 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

VALLABHDAS K HADVANI

Versus

STATE OF GUJARAT

Appearance:

MR HJ NANAVATI for Petitioner

MS HANSA B PUNANI for Respondent No. 1, 2

None present for Respondent No. 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 18/02/2000

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. The order dated 5-9-1988 of the District Education Officer, Junagadh District, Junagadh is

challenged in this special civil application by the petitioner, a Music Teacher in the Government school. Under this order, the petitioner was given the benefit of the pay scale of Rs. 440-750 from the prospective date i.e. the date on which he has acquired the higher qualification whereas he claims this benefit from the date of his appointment. The recovery has also been ordered. This order is challenged in this special civil application.

3. This court has protected the petitioner and that interim relief continues for all these years. The approach of the petitioner directly to this court when in the hierarchy there are many senior officers, is difficult to appreciate. He should have first approached to the higher authorities against this order of respondent No.2 and if he would not have been satisfied, could have come up before this court.

4. In the result, this special civil application is disposed of in terms that the interim relief granted by this court shall continue till the matter is decided by the respondent No.1. The petitioner is directed to file a representation in respect of his grievance which he made in this special civil application to the respondent No.1 and in case such a representation is filed then the respondent No.1 shall consider the same in accordance with law. Where the claim of the petitioner is not acceptable, a reasoned order be passed and copy of the same be sent to the petitioner by regd. post A.D.. The representation has to be filed by the petitioner within 15 days of receipt of certified copy of this order. In case any adverse order is passed against the petitioner, the same shall not be given effect to for 15 days. In case of difficulty, liberty is granted to the petitioner for revival of this special civil application.

5. Rule and special civil application stand disposed of accordingly with no order as to costs.

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zgs/-